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TO: Ex. Flores-Sanchez and/or Ex. Ashley and/or other staff that can address this matter

FIRM OR COMPANY: USPTO

FACSIMILE NUMBER: 571-273-8300

DATE: February 13, 2008

FROM: RON KACHMARIK

PAGES, INCLUDING THIS COVER: 13

RE: US Pat. Appl. No. 10/699,974, Our 36246

Urgent attention requested

To whom it may concern,

An amendment was submitted to the USPTO on November 8, 2008. Copies of that amendment and associated papers are attached. The Examiner has never responded to the amendment. A status query was sent on December 21, 2007. Copies of that query and associated papers are attached. Upon review of on-line records, neither of these documents is shown in the records.

It is absolutely imperative, that this be investigated immediately and the below-signed contacted immediately. If there are questions or if there is anything that would hinder prompt attention to this matter, please contact the below-signed ASAP.

Ronald M Kachmarik

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12/21/2007 10:17:48 FAX 216 579 1700	Pearne & Gordon LLP	0001																		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE																				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Appl. No. :</td> <td>10/699,974</td> </tr> <tr> <td>Applicant :</td> <td>Ian Smith</td> </tr> <tr> <td>Filed :</td> <td>November 3, 2003</td> </tr> <tr> <td>Title :</td> <td>TRIMMER</td> </tr> <tr> <td>Cont. No. :</td> <td>5016</td> </tr> <tr> <td>TC/A.U. :</td> <td>3724</td> </tr> <tr> <td>Examiner :</td> <td>Omar Mores Sanchez</td> </tr> <tr> <td>Customer No. :</td> <td>00116</td> </tr> <tr> <td>Docket No. :</td> <td>W&G-30246</td> </tr> </table>			Appl. No. :	10/699,974	Applicant :	Ian Smith	Filed :	November 3, 2003	Title :	TRIMMER	Cont. No. :	5016	TC/A.U. :	3724	Examiner :	Omar Mores Sanchez	Customer No. :	00116	Docket No. :	W&G-30246
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STATUS INQUIRY																				
<p>Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>Faximile: 703-273-8300</p> <p>Sir:</p> <p>Applicant respectfully inquires as to the status of the above-identified application. A response to the Office action of August 8, 2007, was filed on November 8, 2007, and applicant's attorney has not received an Examiner's communication from the Patent Office since that filing date.</p> <p>Respectfully submitted,</p> <p>PEARNE & GORDON LLP</p> <p> Ronald M. Kachmarki, Reg. No. 34512</p> <p>1801 East 9th Street Suite 1200 Cleveland, Ohio 44114-3108 (216) 579-1700</p> <p>December 21, 2007</p>																				

PAGE 111 RCVD AT 2/13/2008 5:55:05 PM [Eastern Standard Time] * SVR:USPTO-EXRF-5/41 * DNI:2738300 * CSID:216 579 6073 * DURATION (mm:ss):02:52

Acknowledgement Receipt

The USPTO has received your submission at 15:33:32 Eastern Time on 08-NOV-2007.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

eFiled Application Information

EFS ID	2443229
Application Number	10699974
Confirmation Number	5016
Title	Trimmer
First Named Inventor	Ian Zetterstrom Smith
Customer Number or Correspondence Address	116
Filed By	Ronald M. Kachmarik/Jennifer Barlock
Attorney Docket Number	36246
Filing Date	03-NOV-2003
Receipt Date	08-NOV-2007
Application Type	Utility under 35 USC 111 (a)

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
WR-36246-UPAM-I- IRG.pdf	7	Amendment - After Non-Final Rejection	230598 bytes	PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

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Appl. No.: 10/699,974
Amtd. dated November 8, 2007
Reply to Office action of August 8, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/699,974
Applicant : Ian Smith
Filed : November 3, 2003
Title : TRIMMER

Conf. No. : 5016
TC/A.U. : 3724
Examiner : OMAR FLORES SANCHEZ

Customer No. : 000,116
Docket No. : W&R-36246

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT "I"

Sir:

This amendment is filed in response to the Office action mailed August 8, 2007.
The three month period for response expires on November 8, 2007.

Please amend the above-identified application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

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Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

Claim 1 (currently amended): A trimmer comprising a cutting head housing a cutter means, and an elongate shaft for supporting the cutting head, the cutting head connected to the shaft by connection means permitting the cutting head to be positioned with its cutter means either substantially horizontal or substantially vertical without disconnecting the cutting head and the shaft wherein the connection means defines a rotational axis about which the cutting head is rotatable relative to the shaft so that the cutter means is movable between the substantially horizontal position and the substantially vertical position by an effective rotation of the cutting head ~~relative to the handle~~ of 120° in one direction or 240° in other direction relative to the axis.

Claim 2 (previously presented): A trimmer as claimed in claim 1, wherein the connection means is such that the cutting head is movable between positions in which its cutter means is substantially horizontal and substantially vertical in a single movement.

Claims 3-18 (cancelled)

Claim 19 (previously presented): A trimmer as claimed in claim 1, wherein the connection means is constituted by a rotatable joint.

Claim 20 (previously presented): A trimmer as claimed in claim 19, wherein the rotatable joint is such that the cutting head is movable between positions in which its cutter means is substantially horizontal and substantially vertical about a single axis.

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Claim 21 (previously presented): A trimmer as claimed in claim 19, wherein the axis of rotation of the rotatable joint lies substantially at 35.5° to the plane of rotation of the cutter means, and lies substantially at 35.5° to the horizontal when the cutting head is positioned with the cutter means either substantially horizontal or substantially vertical.

Claims 22-25 (cancelled)

Claim 26 (currently amended): A trimmer comprising a cutting head housing a cutter means, a motor for driving the cutter means, and an elongate shaft for supporting the cutting head, the cutting head connected to the shaft by connection means permitting the cutting head to be positioned with its cutter means either substantially horizontal or substantially vertical without disconnecting the cutting head and the shaft, wherein the connection means is constituted by a rotatable joint that is constituted by a ball-and-socket joint, wherein the ball is fixed to the cutting head, the socket is defined by a generally spherical socket portion formed at the end of the shaft remote from the hand-grippable portion, and the motor is housed within the ball, the shaft having a hand-grippable portion at a position remote from the cutting head, the arrangement being such that the line joining a point within the hand-grippable portion and the connection means is substantially parallel to a plane of rotation of the rotational axis of the cutter means when the cutter means is generally perpendicular to the longitudinal axis of the elongated shaft.

Claim 27 (previously presented): A trimmer as claimed in claim 26, wherein the motor is an electric motor.

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Claim 28 (previously presented): A trimmer as claimed in claim 1, wherein a rotatable cutter line constitutes the cutter means.

Claim 29 (currently amended): A trimmer as claimed in claim 26 [[25]], further comprising a wheel rotatably mounted on the cutting head.

Claim 30 (previously presented): A trimmer as claimed in claim 29, wherein the axis of rotation of the wheel is substantially coincident with the axis of rotation of the cutter means.

Claim 31 (previously presented): A trimmer as claimed in claim 30, wherein the radius of the wheel is of the order of, but slightly less than, the effective radius of the cutter means.

Claim 32 (currently amended): A trimmer comprising a cutting head housing a cutter means, and a shaft for supporting the cutting head, the cutting head being adjustably mounted with respect to the shaft by connection means that defines a rotational axis about which the cutting head is rotatable relative to the shaft, the connection means enabling the cutter means to be moved between substantially vertical and substantially horizontal positions by adjusting the position of the cutting head relative to the shaft by an effective rotation of 120° in one direction or 240° in the other direction relative to the axis.

Claim 33 (previously presented): A trimmer comprising a cutting head housing a cutter means, and a shaft for supporting the cutting head, the cutting head being rotatably mounted with respect to the shaft by means of a rotatable joint whose axis of rotation lies

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substantially at 35.5° to the plane of rotation of the cutter means, and lies substantially at 35.5° to the horizontal when the cutting head is positioned with the cutter means either substantially horizontal or substantially vertical.

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REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Applicant also would like to thank the Examiner for his time during a telephone interview. The application has been carefully reviewed in light of the Office action, and the following remarks are presented for the Examiner's consideration.

By way of the present amendment, claims 1, 26, 29, and 32 are currently amended. Claims 1-2, 19-21, and 26-33 stand pending in this application. Reconsideration and allowance are respectfully requested. Applicant also appreciates the acknowledgement that claims 26-28 contain allowable subject matter.

Claim 26 was amended to comply with the examiner's suggestions to overcome the informality objections. It is respectfully requested that claim 26 now be allowed.

Claims 1 and 32 were rejected under 35 U.S.C. 112 for failing to comply with the enablement requirement and for being indefinite. After discussing the claims and the drawings with the Examiner during a telephone interview, the Applicant appreciates that the Examiner acknowledges that the claimed matter is enabled. The 120° rotation is shown, by example, with reference to FIG. 2 and FIG. 4. The left edge of the guard 6 in FIG. 4, when in a trimming mode, becomes the top edge of the guard in FIG. 2, when the guard is placed in an edging mode. Furthermore, claim 1 was amended to delete the "relative to the handle" limitation to make clear that the 120° rotation is relative to the rotational axis. Similarly, Claim 32 was amended to delete the "relative to the shaft" limitation to make clear that the 120° rotation is relative to the rotational axis. It is respectfully requested that claim 1 and claim 32 are now in condition for allowance.

Applicant requests that the indefinite rejection of claims 21 and 33 be withdrawn. The term "horizontal" is defined in the specification and the term is referred to throughout the specification. For example, the specification states that "FIGS. 4 and 5 show the trimmer with the cutting head 1 in the trimming position, that is to say with the cutter line 5 generally horizontal." This is just one example of how the term horizontal is clearly defined in the specification and the drawings.

Claim 29 is amended to depend from claim 26. It is respectfully requested that claim 29 is now in condition for allowance.

In light of the foregoing, it is respectfully submitted that the present application is in

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Amtd. dated November 8, 2007
Reply to Office action of August 8, 2007

condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. W&R-36246.

Respectfully submitted,
PEARNE & GORDON LLP

By: Ivan R. Goldberg
Ivan R. Goldberg - Reg. No. 59,429

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700
Date: November 8, 2007

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Appl. No. : 10/699,974
 Applicant : Ian Smith
 Filed : November 3, 2003
 Title : TRIMMER
 Conf. No. : 5016
 TC/A.U. : 3724
 Examiner : Omar Flores Sanchez
 Customer No. : 00116
 Docket No. : W&R-36246

STATUS INQUIRY

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Facsimile: 571-273-8300

Sir:

Applicant respectfully inquires as to the status of the above-identified application. A response to the Office action of August 8, 2007, was filed on November 8, 2007, and applicant's attorney has not received an Examiner's communication from the Patent Office since that filing date.

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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/699,974
 Applicant : Ian Smith
 Filed : November 3, 2003
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Respectfully submitted,

PEARNE & GORDON LLP

Ronald M. Kachmarik, Reg. No. 34512

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December 21, 2007